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TO: Nursing Homes

NH 01

FROM: Michael J. Steinhauer, Chief
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VIA: Susan Schroeder, Director
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**New Federal Requirement to Post the Number of Licensed and Unlicensed Nursing Staff on Duty
on Each Shift**

Effective January 1, 2003, sections 42 USC 1395I-3(b)(8) and 1296r(b)(8) require federally certified nursing homes to "post daily for each shift the current number of licensed and unlicensed nursing staff who are directly responsible for resident care in the facility." "Licensed and unlicensed nursing staff" include registered nurses (RNs), licensed practical nurses (LPNs) and certified nursing assistants (CNAs) who are on duty to care for residents.

The new requirement was created by the Medicare, Medicaid and SCHIP Benefits and Improvement and Protection Act of 2000 (BIPA). The law also requires nursing homes, upon request, to make the nursing staff data available to the public.

Placement: Facilities should post the report in a public area where residents, visitors, and staff can easily read it.

Format: The Center for Medicare and Medicaid Services (CMS) recommended a format for the staffing report with its January 9, 2003 announcement of the new requirement. The CMS announcement letter and recommended format for the report are attached. CMS suggests that the size of the report be at least 8.5 x 14 inches (legal size paper) and printed in a font size large enough for people to easily read.

Accuracy: CMS recommends that nursing homes post the report very close to the beginning of each shift to ensure that the posted numbers reflect the actual staff working that shift.

Enforcement: CMS has instructed state survey agencies to begin verifying compliance with the requirement to post staff reports effective January 1, 2003. State survey agencies will cite noncompliance as a deficient practice under 42 CFR 483.75(b) [F492], Compliance with Federal, State, and local laws.

Additional information: For additional information concerning this new requirement, you may visit the CMS website at <http://cms.hhs.gov/medicaid/bipa> or you can contact the regional field operations director assigned to your region. Their names and phone numbers are as follows:

<p>Dolores Zwiers Regional Field Operations Director Northeastern (Green Bay) Regional Office (920) 448-5249</p> <p>Joanne Powell Regional Field Operations Director Northern (Rhineland) Regional Office (715) 365-2802</p> <p>Patricia Benesh Regional Field Operations Director Southeastern (Milwaukee) Regional Office (414) 227-4908</p>	<p>Juan Flores Regional Field Operations Director Southern (Madison) Regional Office (608) 243-2374</p> <p>Joe Bronner Regional Field Operations Director Western (Eau Claire) Regional Office (715) 836-4753</p>
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